

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WEEDS, INC., )  
                  )  
                  )  
Plaintiff,     )  
                  )  
                  )  
v.               )      Case No. 2:17-cv-01533-DSC-MPK  
                  )  
                  )  
INNOVATION HQ, INC.,     )  
                  )  
                  )  
Defendant.     )

**MOTION FOR LEAVE TO PARTICIPATE BY TELEPHONE IN  
INITIAL CASE MANAGEMENT CONFERENCE**

AND NOW comes Defendant Innovation HQ, Inc. (“Innovation”) and asks that this Court allow Innovation’s lead trial counsel, John B. Berryhill, to participate by telephone in the initial case management conference (the “Conference”) that this Court has set for September 7, 2018 and, in support of that request, states as follows:

1. Innovation brings this motion because Dr. Berryhill lives outside of Western Pennsylvania and has recently encountered health problems that would greatly complicate travel to Pittsburgh. Innovation anticipates that Dr. Berryhill will be able to participate fully in the Conference by telephone and that its local counsel will appear at the Conference in person.
2. In setting the Conference, this Court’s Order of August 20, 2018 directed, “Trial counsel shall attend.”
3. Innovation wants Dr. Berryhill to be its lead trial counsel in this matter. Dr. Berryhill’s motion for admission pro hac vice either is pending before this Court or has recently been acted upon.

4. Dr. Berryhill lives in the Philadelphia area.
5. Since Innovation's filing of its answer and counterclaims in this matter, Dr. Berryhill has encountered health issues that have required hospitalization and surgery. Innovation can provide further information about these issues but, if Weeds, Inc. consents, would prefer to do so *ex parte*.
6. While these issues would make Dr. Berryhill's travel to Pittsburgh – overnight or otherwise – difficult, Innovation does not anticipate that they would impair Dr. Berryhill's ability to participate in the Conference by telephone.
7. Stuart C. Gaul, Jr., who is local counsel for Innovation, expects to attend the Conference in person.

Wherefore, Innovation respectfully requests that this Court grant this motion and allow Dr. Berryhill to participate in the Conference by telephone.

Respectfully submitted,

Dated: September 6, 2018

/s/ *Stuart C. Gaul, Jr.*  
Stuart C. Gaul, Jr.  
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*Motion for admission pro hac vice  
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Counsel for Innovation HQ, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this Answer was served upon the following via this Court's ECF system, on this 6th day of September, 2018:

Gregg R. Zegarelli, Esquire  
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/s/ *Stuart C. Gaul, Jr.*